

JAN 29 2010

JOHN F. COLLEMAN, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)	
)	Criminal Case No. 7:94cr00037
)	
v.)	2255 FINAL ORDER
)	
EMJADIA PORTER.)	By: Samuel G. Wilson
)	United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and ADJUDGED

that the above referenced motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **DISMISSED** without prejudice as successive and the case is hereby **STRICKEN** from the active docket.

Further, finding that Porter has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to all parties.

ENTER: This 29th day of January, 2010.



United States District Judge